

**Future of the Courts: The Next Ten Years**  
**Combined Survey Results Arranged by Issue Themes:**  
**Respondents By Jurisdictional Level or State Administrative Office**

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**Purpose**

This report discusses the estimated probabilities of 141 different court-related scenarios potentially occurring. The estimates were assessed by conducting five surveys of a large and diverse group of court professionals from around the globe. The first survey started in December, 2012; the second started in August, 2013; the third started in January 2014; the fourth survey started in January 2015; the most recent survey started in January of 2016. The goal is to develop a realistic environmental scan of scenarios likely to occur within the next 10 years.

**Probability Assessments**

The surveys asked respondents (currently over 1,060)<sup>2</sup> to assess the probability of various scenarios based on a five-point Likert-type scale. We averaged the assessments and arranged the scenarios under a number of thematic questions in order to provide insight into how the questions may be addressed in the future. The heading for each scenario identifies in which survey (or surveys) the scenario was presented, its mean overall likelihood and a general likelihood label based on broad groupings.

<u>Assessment Category</u>	<u>Label</u>
1.0 – 1.9	Highly Likely
2.0 – 2.4	Likely
2.5 – 2.9	Maybe (50–50 Chance)
3.0 – 3.4	Unlikely
Above 3.4	Improbable

Additionally this report analyzes scenarios based on average assessments from respondents at the Federal level, general jurisdiction courts, limited jurisdiction courts, and state administrative offices.

**Respondent Group**

Below are some overall respondent group demographics.<sup>3</sup>

<u>Respondents' Age Distribution: Overall</u>		
Traditional Generation (Born before 1945)	20	2%
Baby Boomer Generation (Born between 1945 & 1964)	599	57%
Generation X (Born Between 1965 & 1979)	317	30%
Millennial Generation (Born Between 1980 & 1994)	111	11%
Generation Z (Born after 1994)	2	

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<sup>1</sup>Thanks to Nicole Garcia and Bob James for their invaluable assistance researching topics, editing, and offering ideas that have enhanced the presentation of these results.

<sup>2</sup>Many of the respondents replied to several of the surveys disseminated over the years. The Spring 2013 survey received 234 responses; the Summer 2013 survey received 212 responses; the Winter–Spring 2014 survey received 508 responses; the Winter 2015 survey received 494 responses; the Winter 2016 survey received 369 responses.

<sup>3</sup>Not every respondent answered every survey or every demographic question.

### Respondent Gender Distribution

Men	451	44%
Women	578	56%

### Respondents' Geographic Distribution

Alabama	4	Kansas	3	New York	8	Australia	57
Alaska	4	Kentucky	1	North Carolina	9	Canada	69
Arizona	150	Louisiana	22	North Dakota	10	New Zealand	21
Arkansas	2	Maine	1	Ohio	25	Japan	10
California	40	Maryland	41	Oklahoma	2	Moldova	4
Colorado	25	Michigan	23	Oregon	30	Netherlands	3
District of Columbia	11	Minnesota	37	Pennsylvania	25	Romania	2
Delaware	6	Missouri	6	Rhode Island	1	Congo	2
Florida	40	Mississippi	2	South Dakota	10	Guam	1
Georgia	90	Montana	1	Texas	31	Puerto Rico	1
Hawai'i	1	Nebraska	4	Utah	7	Nigeria	1
Idaho	6	Nevada	7	Virginia	41	Philippines	1
Illinois	20	New Hampshire	2	Washington	27	Italy	1
Indiana	4	New Jersey	42	West Virginia	3	Serbia	1
Iowa	5	New Mexico	3	Wisconsin	36	Latvia	1

### Respondent Group Jurisdictional Distribution

General Jurisdiction Courts <sup>1</sup>	356	39%	Limited Jurisdiction Courts <sup>2</sup>	182	20%
Supreme Courts or State Offices <sup>4</sup>	129	14%	U.S. Federal Courts <sup>3</sup>	83	9%
State Court Administrators	16	2%	Provincial Courts	10	1%
Probation or Pretrial	16	2%	Vendors & Consultants	32	3%
Tribunal Courts	3		National Center for State Courts	23	3%
Children's Court	1		High Court	2	
Environmental Court	2		District & Lands Court	1	
Retired	11		Corrections	1	
Court Reporters	2		Surveillance Court	1	
Universities	2		Ministry of Justice	2	
Lawyers	2		National Judicial College	1	

<sup>1</sup>Includes Superior Courts, Circuit Courts, District Courts designated as having general jurisdiction, Family Courts, Probate Courts, Courts of Common Plea, and Juvenile Courts

<sup>2</sup>Includes Municipal, City, Justice, Metropolitan, County, Parish, & Traffic Courts

<sup>3</sup>Includes U.S District Courts, U.S. Bankruptcy Courts, the D.C. Superior Court, the U.S. Circuit Courts of Appeals, and the U.S. Administrative Office of the Courts.

<sup>4</sup>Includes State Administrative Offices of the Courts (AOC), State Supreme Courts, State Courts of Appeal, Law Libraries, & those identified with State Court or Court Services

Respondents at the different jurisdictional levels or at state administrative offices are shown in varying color shades under each scenario.

- The Winter 2016 survey currently includes 38 *Federal System* responses, 120 *General Jurisdiction* responses, 70 *Limited Jurisdiction* responses, and 58 responses from *State Court Administrators, AOC staff, Supreme Court staff, or Court of Appeals staff*
- Winter 2015 survey included 49 *Federal System* responses, 168 *General Jurisdiction* responses, 58 *Limited Jurisdiction* responses, and 68 responses from *State Court Administrators, AOC staff, Supreme Court staff, or Court of Appeals staff*.
- Winter–Spring 2014 survey included 19 *Federal System* responses, 170 *General Jurisdiction* responses, 48 *Limited Jurisdiction* responses, and 63 responses from *State Court Administrators, AOC staff, Supreme Court staff, or Court of Appeals staff*.
- Summer 2013 survey included 31 *Federal System* responses, 82 *General Jurisdiction* responses, 20 *Limited Jurisdiction* responses, and 31 responses from *State Court Administrators, AOC staff, Supreme Court staff, or Court of Appeals staff*.
- Spring 2013 survey included 15 *Federal System* responses, 132 *General Jurisdiction* responses, 47 *Limited Jurisdiction* responses, and 16 responses from *State Court Administrators, AOC staff, Supreme Court staff, or Court of Appeals staff*.

#### Respondents' Years of Experience in the Justice System

Five Years or Less	84	10%
Between Six and Ten Years	120	14%
Between Eleven and Twenty Years	227	26%
Between Twenty–One and Thirty Years	252	29%
More than Thirty Years	192	22%

#### **Invitation**

Email us your comments and any new suggested scenarios that may influence the courts within the next ten years. Also let us know of anyone else who may be interested in taking future versions of the survey. Please send emails to [FutureofCourts@gmail.com](mailto:FutureofCourts@gmail.com). Thanks again for your continuing help.

## What is the Likelihood of the Following Scenarios Occurring within the Next Ten Years?

An international group of respondents assessed the probability of the following scenarios occurring (or having had occurred) within the next ten years.

<b>How Will Technology Affect Courts in the Future?</b>	
<b>Court Forms Will Be Available on the Internet</b> Parties (particularly self-represented) will be able to complete forms online interactively, and electronically file them as nearly all trial courts will have their forms available on their web pages.	
Court Technology: <b>Highly Likely</b> – Mean Overall Likelihood: 1.4 in the Summer 2013 Survey	
<b>Federal Respondents: Highly Likely – Mean Likelihood: 1.2</b>	
<b>General Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.4</b>	
<b>Limited Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.6</b>	
<b>State Administrative Office Respondents: Highly Likely – Mean Likelihood: 1.5</b>	
<b>Virtually All Trial Courts Will Maintain Web-Based Information Systems</b> These court systems provide answers to public inquiries about cases and court processes.	
Court Technology: <b>Highly Likely</b> – Mean Overall Likelihood: 1.5 in the Summer 2013 Survey	
<b>Federal Respondents: Highly Likely – Mean Likelihood: 1.3</b>	
<b>General Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.6</b>	
<b>Limited Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.6</b>	
<b>State Administrative Office Respondents: Highly Likely – Mean Likelihood: 1.6</b>	
<b>Almost All Courts Use Electronic Filing (eFiling)</b> More and more courts will convert to document imaging; electronic filing becomes a requirement to successfully go “paperless.”	
Court Technology: <b>Highly Likely</b> – Mean Overall Likelihood: 1.5 in the Winter–Spring 2014 Survey	
<b>Federal System Respondents: Highly Likely – Mean Likelihood: 1.3</b>	
<b>General Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.4</b>	
<b>Limited Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.4</b>	
<b>State Administrative Office Respondents: Highly Likely – Mean Likelihood: 1.4</b>	
<b>Law Enforcement Moves to eTickets</b> Law enforcement, traffic control, and parking patrol agencies shift from using paper tickets to eTickets that automatically upload to courts' case management systems thus eliminating paper tickets and initial court clerical data entry. Tickets are immediately available for processing and payment.	
Court Technology: <b>Highly Likely</b> – Mean Overall Likelihood: 1.5 in the Winter 2016 Survey	
<b>Federal System Respondents: Highly Likely – Mean Likelihood: 1.5</b>	
<b>General Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.6</b>	
<b>Limited Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.4</b>	
<b>State Administrative Office Respondents: Highly Likely – Mean Likelihood: 1.4</b>	

### **Electronic Process Service**

Online social networking services and email are so ubiquitous that courts allow service of summons, complaints, petitions and other initiating court documents by posting to a defendant's or respondent's network site or email address. This profoundly affects the process service business, court processes and court rules.

CT.1.2015.28

Court Technology: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter 2015 Survey

**Federal System Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.8**

**General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.8**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**

**State Administrative Office Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**

### **Courts Will Implement Some System of “Remote Interpretation”**

Remote interpretation allows interpreters to assist in court hearings through electronic conferencing without being physically present in the courtroom.

CT.7.2013.12

Court Technology: **Highly Likely** – Mean Overall Likelihood: 1.6 in the Summer 2013 Survey

**Federal System Respondents: Highly Likely – Mean Likelihood: 1.3**

**General Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.6**

**Limited Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.8**

**State Administrative Office Respondents: Highly Likely – Mean Likelihood: 1.3**

### **Courts Will Use Electronic Recording Systems**

Electronic recording becomes the official record for court proceedings.

CT.7.2013.16

Court Technology: **Highly Likely** – Mean Overall Likelihood: 1.6 in the Summer 2013 Survey

**Federal System Respondents: Highly Likely – Mean Likelihood: 1.6**

**General Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.6**

**Limited Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.4**

**State Administrative Office Respondents: Highly Likely – Mean Likelihood: 1.5**

### **Virtually All Courts will be “Paperless”**

Most courts will go “paperless” by converting to document imaging or electronic filing thereby going to “paper-on-demand.”

CT.12.2012.3

Court Technology: **Highly Likely** – Mean Overall Likelihood: 1.7 in the Spring 2013 Survey

**Federal System Respondents: Highly Likely – Mean Likelihood: 1.6**

**General Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.6**

**Limited Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.9**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.1**

### **Almost All Courts Use Intelligent Forms (“SmartForms”) Applications**

More courts will adopt applications to allow parties to prepare court documents by answering a series of computer-generated questions, which then prompts electronic forms to be produced, filed, and disseminated.

CT.1.2014.26

Court Technology: **Highly Likely** – Mean Overall Likelihood: 1.7 in the Winter–Spring 2014 Survey

**Federal System Respondents: Highly Likely – Mean Likelihood: 1.7**

**General Jurisdiction Respondents: Highly Likely – Mean Likelihood: 1.6**

**Limited Jurisdiction Respondents: Highly Likely – Mean Likelihood: 1.8**

**State Administrative Office Respondents: Highly Likely – Mean Likelihood: 1.8**



### **Electronic Content Management (ECM) Eliminates Court Forms**

Courts shift from managing electronic documents and eFilings to ECM. Eventually all court information is content based, freeing court information from electronic documents and court forms. Examples of functions initially converted to direct court data base input includes civil cover sheets, the results of service of process, results from drug tests, demands for jury trials, mental health evaluations, and scheduled court dates.

CT.1.2015.27

Court Technology: **Likely** – Mean Overall Likelihood: 2.3 in the Winter 2015 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.3**

**General Jurisdiction Respondents: Likely – Mean Likelihood: 2.3**

**Limited Jurisdiction Respondents: Likely – Mean Likelihood: 2.0**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.4**

### **Courts Electronically Certify and Exemplify Documents**

Courts convert to electronically producing certified and exemplified copies of court documents thus eliminating the need to hand stamp copies with raised seals to get a certified copy. Court customers can now get a certified copy of a court document without leaving home.

CT.1.2016.35

Court Technology: **Highly Likely** – Mean Overall Likelihood: 1.8 in the Winter 2016 Survey

**Federal System Respondents: Highly Likely – Mean Likelihood: 1.4**

**General Jurisdiction Respondents: Highly Likely – Mean Likelihood: 1.7**

**Limited Jurisdiction Respondents: Likely – Mean Likelihood: 2.1**

**State Administrative Office Respondents: Highly Likely – Mean Likelihood: 1.7**

### **Court Applications Become More Intuitive for Court Customers**

Court applications get more accessible, thus reducing the learning curve necessary for court customers to manage the systems.

CT.1.2014.21

Court Technology: **Highly Likely** – Mean Overall Likelihood: 1.8 in the Winter–Spring 2014 Survey

**Federal System Respondents: Highly Likely – Mean Likelihood: 1.7**

**General Jurisdiction Respondents: Highly Likely – Mean Likelihood: 1.8**

**Limited Jurisdiction Respondents: Likely – Mean Likelihood: 2.0**

**State Administrative Office Respondents: Highly Likely – Mean Likelihood: 1.8**

### **Courts “Over Rely” on Technology**

Technology becomes so ubiquitous in courts that they are no longer able to operate if “the computer goes down.” What to do if there is a technology system failure becomes the new “emergency prep” focus.

CT.1.2014.24

Court Technology: **Highly Likely** – Mean Overall Likelihood: 1.9 in the Winter–Spring 2014 Survey

**Federal System Respondents: Highly Likely – Mean Likelihood: 1.9**

**General Jurisdiction Respondents: Highly Likely – Mean Likelihood: 1.9**

**Limited Jurisdiction Respondents: Highly Likely – Mean Likelihood: 1.8**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.0**

### **Court Applications Become Easier for Court Staff to Use**

Court applications get more intuitive thus reducing the amount of time it takes court staff to learn how to manage court applications.

CT.1.2014.23

Court Technology: **Highly Likely** – Mean Overall Likelihood: 1.9 in the Winter–Spring 2014 Survey

**Federal System Respondents: Highly Likely – Mean Likelihood: 1.7**

**General Jurisdiction Respondents: Highly Likely – Mean Likelihood: 1.8**

**Limited Jurisdiction Respondents: Highly Likely – Mean Likelihood: 1.7**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.0**

### **Computer Applications Develop Real–Time Transcripts of Court Proceedings**

Court transcripts are created without human intervention.

CT.7.2013.14

Court Technology: **Likely** – Mean Overall Likelihood: 2.1 in the Summer 2013 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.0**

**General Jurisdiction Respondents: Likely – Mean Likelihood: 2.2**

**Limited Jurisdiction Respondents: Likely – Mean Likelihood: 2.3**

**State Administrative Office Respondents: Highly Likely – Mean Likelihood: 1.9**

### **Court Computer Systems Are Compromised**

With more courts becoming part of centralized databases for electronic case management and other functions, eventually a hacker compromises an entire network of court system operations. Multiple case management systems, financial transactions, and confidential data are compromised.

CT.7.2013.17

Court Technology: **Likely** – Mean Overall Likelihood: 2.2 in the Summer 2013 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.1**

**General Jurisdiction Respondents: Likely – Mean Likelihood: 2.3**

**Limited Jurisdiction Respondents: Likely – Mean Likelihood: 2.0**

**State Administrative Office Respondents: Highly Likely – Mean Likelihood: 1.9**

### **Courts Accommodate With “Bring Your Own Technology (BYOT)”**

Increasingly judges and staff get comfortable with their own devices (e.g., laptops, tablets, smartphones, etc.). Technology staff adapt and accommodate so that court applications run on all platforms.

CT.1.2014.20

Court Technology: **Likely** – Mean Overall Likelihood: 2.2 in the Winter–Spring 2014 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.2**

**General Jurisdiction Respondents: Likely – Mean Likelihood: 2.1**

**Limited Jurisdiction Respondents: Likely – Mean Likelihood: 2.4**

**State Administrative Office Respondents: Highly Likely – Mean Likelihood: 1.9**

### **Courts Qualify Jurors Using Remote Technology**

As electronic communication devices become commonplace, courts turn to remote conferencing to qualify jurors before they even set foot in the courthouse.

CT.1.2014.19

Court Technology: **Likely** – Mean Overall Likelihood: 2.4 in the Winter–Spring 2014 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.0**

**General Jurisdiction Respondents: Likely – Mean Likelihood: 2.3**

**Limited Jurisdiction Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.3**

### **"Natural Speech" Apps Allow Customers to Converse in Real Time**

Regardless of whether allowed in the courtroom itself, computer assisted "natural speech" permits court staff to effectively deal with all court customers at the counter.

A version of this scenario was first in the Summer 2013 survey. It was assessed as having a 50–50 chance with a 2.6 average probability. At that time the scenario's title was "Computers will translate in court without interpreters."

CT.7.2013.13

Court Technology: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Winter 2016 Survey

Federal System Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.9

General Jurisdiction Respondents: **Maybe (50–50 Chance)** — Mean Likelihood: 2.8

Limited Jurisdiction Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.5

State Administrative Office Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.9

### **Courts Use More Invasive Yet Less Visible Technology to Screen the Public**

Court security will use a combination of technological and human intelligence gathering methods. For example, new technologies will replace metal detectors and X-ray machines, including facial recognition, bio data, and unobtrusive weapons identification processes. The public will be only minimally aware of these systems. These techniques will even identify individuals with outstanding warrants as they walk through the front door. It will result in a need for fewer court security personnel. Courts will be able to retain the data collected during screenings for later analysis.

CO.1.2015.22

Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.9 in the Winter 2015 Survey

Federal System Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.7

General Jurisdiction Respondents: **Unlikely** — Mean Likelihood: 3.0

Limited Jurisdiction Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.9

State Administrative Office Respondents: **Unlikely** – Mean Likelihood: 3.2

## **How Will Courts Use Information in the Future?**

### **Centralized Data Storage**

With ever increasing centralization of data storage, input, and transactions, centralized (state) centers for payment of traffic fines, filing fees, restitution, and bail bonds will become the norm.

CT.1.2013.7

Court Technology: **Highly Likely** – Mean Overall Likelihood: 1.9 in the Spring 2013 Survey

Federal System Respondents: **Highly Likely** – Mean Likelihood: 1.6

General Jurisdiction Court Respondents: **Highly Likely** – Mean Likelihood: 1.9

Limited Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.1

State Administrative Office Respondents: **Likely** – Mean Likelihood: 2.0

### **Centrally Stored Data Will Be Immediately Available to Stakeholders**

With centralized data storage, real-time access to payment, restitution, bond, case, and criminal history information will be the norm.

CT.1.2013.8

Court Technology: **Highly Likely** – Mean Overall Likelihood: 1.8 in the Spring 2013 Survey

Federal System Respondents: **Highly Likely** – Mean Likelihood: 1.5

General Jurisdiction Court Respondents: **Highly Likely** – Mean Likelihood: 1.7

Limited Jurisdiction Court Respondents: **Highly Likely** – Mean Likelihood: 1.8

State Administrative Office Respondents: **Highly Likely** – Mean Likelihood: 1.9



### **Legislatures Require Standardized Data Formats for Stakeholders**

Courts have traditionally maintained that stakeholders are provided information in the way the courts store it. If a court can only query their case management system one case at a time, that's how stakeholders are able to access it. Legislatures start requiring courts to adapt their case management systems to standardized formats making sophisticated data passes by stakeholders more possible.

CO.1.2016.29

Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.6 in the Winter 2016 Survey

**Federal System Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6**

**General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.4**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

**State Administrative Office Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**

### **Courts Accept Electronic Records Redaction Software**

Courts accept on a widespread basis vendor developed software applications that provide foolproof redaction of sensitive personal information like social security numbers on electronic legacy documents thus allowing the underlying documents to be accessible online.

CT.1.2016.32

Court Technology: **Likely** – Mean Overall Likelihood: 2.1 in the Winter 2016 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.3**

**General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.0**

**Limited Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.0**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.1**

### **Long-Term Electronic Records & Data Retention Standards Established**

Standardized formats and retention schedules for long-term electronic records and data storage are developed assuring trial courts that formats for storing older data have a well-defined upgrade migration path. Electronic information never becomes inaccessible due to newer software versions or platforms.

CF.1.2016.20

Court Functions: **Highly Likely** – Mean Overall Likelihood: 1.8 in the Winter 2016 Survey

**Federal System Respondents: Highly Likely – Mean Likelihood: 1.8**

**General Jurisdiction Respondents: Highly Likely – Mean Likelihood: 1.8**

**Limited Jurisdiction Respondents: Highly Likely – Mean Likelihood: 1.9**

**State Administrative Office Respondents: Highly Likely – Mean Likelihood: 1.8**

### **Courts Push for Industry Standards to Mitigate Risk With Vendor Based Case Management Systems (CMS)**

As fewer vendors offer court case management systems, the court community pushes for system standardization to ease database transfers to other CMSs if a vendor can no longer support an older CMS product.

CT.1.2016.36

Court Technology: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.5 in the Winter 2016 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.4**

**General Jurisdiction Respondents: Likely – Mean Likelihood: 2.4**

**Limited Jurisdiction Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6**

**State Administrative Office Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

### **Courts Turn to Vendor Based Case Management Systems**

The number of "in house" court developed case management systems slowly dwindles as vendors offer nationally based standardized case management systems.

CT.1.2015.29

Court Technology: **Likely** – Mean Overall Likelihood: 2.1 in the Winter 2015 Survey

Federal System Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.5

General Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.1

Limited Jurisdiction Court Respondents: **Highly Likely** – Mean Likelihood: 1.8

State Administrative Office Respondents: **Likely** – Mean Likelihood: 2.1

### **Vendor Case Management Systems Determine Court Processes**

As fewer vendors offer case management systems, and those systems become increasingly "off the shelf," courts adapt their processes to make use of the fewer pre-set systems that operate nationally.

CF.1.2016.19

Court Functions: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter 2016 Survey

Federal System Respondents: **Unlikely** – Mean Likelihood: 3.0

General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.6

Limited Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.8

State Administrative Office Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.5

### **Accurate Differentiated Caseload Management**

Continued refinements in analysis of case filings, parties, and investigations through regression analysis lead to increasingly accurate predictions of which cases go to trial, how long trials will take, which cases will settle, and when. Courts become increasingly able to direct resources to where they will manage cases most effectively and even proactively manage cases that predictions indicate are likely to go to trial.

CO.12.2012.5

Court Organization: **Highly Likely** – Mean Overall Likelihood: 1.9 in the Spring 2013 Survey

Federal System Respondents: **Highly Likely** – Mean Likelihood: 1.6

General Jurisdiction Court Respondents: **Highly Likely** – Mean Likelihood: 1.8

Limited Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.2

State Administrative Office Respondents: **Likely** – Mean Likelihood: 2.0

### **Predictive Technology Has Courts Become Preventative Rather than Reactive**

"Big data" analytics allow government agencies, law enforcement, employers, financial institutions, and even courts to identify and help people to stop doing things that get them in trouble before they do it, which reduces court filings. Examples include stopping people from making bad (illegal) custody decisions, preventing juveniles from committing delinquent actions, preventing people from getting into financial trouble that would eventually end up in not paying credit cards or foreclosing on their house.

CT.1.2015.30

Court Technology: **Improbable** – Mean Overall Likelihood: 3.7 in the Winter 2015 Survey

Federal System Respondents: **Improbable** – Mean Likelihood: 3.8

General Jurisdiction Court Respondents: **Improbable** – Mean Likelihood: 3.7

Limited Jurisdiction Court Respondents: **Improbable** – Mean Likelihood: 3.5

State Administrative Office Respondents: **Improbable** – Mean Likelihood: 3.8

### **Courts End "Operational Confidentiality"**

Public court documents become accessible to everyone on any computing device, anywhere unfettered by restrictions such as registering with the court before hand or having to travel to the courthouse in order to view documents online.

CF.1.2015.14

Court Functions: **Likely** – Mean Overall Likelihood: 2.4 in the Winter 2015 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.3**

**General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.3**

**Limited Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.4**

**State Administrative Office Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

### **How Will Courts Be Funded in the Future?**

#### **Courts Will Increase User–Based Revenue**

As many cases require more services than others, courts will charge users fees for specific types of activities based on the resources needed.

C\$.1.2013.2

Court Funding: **Highly Likely** – Mean Overall Likelihood: 1.8 in the Spring 2013 Survey

**Federal System Respondents: Highly Likely – Mean Likelihood: 1.5**

**General Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.8**

**Limited Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.6**

**State Administrative Office Respondents: Highly Likely – Mean Likelihood: 1.9**

#### **User Based Transaction Fees Dramatically Increase**

Typical user based transaction fees that the justice system charges include post–conviction classes (e.g. theft school, anger management, life skills programs, etc.) probation visits, drug testing, accessing archived court records, and eFiling court documents.

C\$.1.2015.6

Court Funding: **Likely** – Mean Overall Likelihood: 2.2 in the Winter 2015 Survey

**Federal System Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**

**General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.1**

**Limited Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.1**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.1**

#### **Courts Charge to View Electronic Records**

Courts and service providers charge the public to view case information and records. Customers can view courts records and content information for free if they come to the courthouse, but they must pay to view the same information remotely.

C\$.1.2016.10

Court Funding: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.5 in the Winter 2016 Survey

**Federal System Respondents: Highly Likely – Mean Likelihood: 1.8**

**General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.4**



### **Courts and Vendors Offer Discounts to High Volume Filers**

Courts and vendors offer high volume law firms and businesses volume filing discounts. (Other government agencies are already exempt from these fees.) For example a high volume law firm pays for 10,000 documents in advance at a discount and avoids the per eFiling charge by electronic filing service providers (EFSP) and some courts.

C\$.1.2015.7

Court Funding: **Unlikely** – Mean Overall Likelihood: 3.1 in the Winter 2015 Survey

Federal System Respondents: **Improbable** – Mean Likelihood: 3.7

General Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.0

Limited Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.9

State Administrative Office Respondents: **Unlikely** – Mean Likelihood: 3.1

### **Courts Raise Filing Fees Then Offer Rebates When Cases Resolve Sooner**

Courts are able to substantially raise filing fees, but then offer rebates on cases that resolve sooner rather than later. The rebates run on a sliding scale so the closer a case gets to trial the smaller the proportion of the filing fee that is rebated to the parties.

C\$.1.2016.11

Court Funding: **Improbable** – Mean Overall Likelihood: 3.7 in the Winter 2016 Survey

Federal System Respondents: **Improbable** – Mean Likelihood: 3.9

General Jurisdiction Court Respondents: **Improbable** – Mean Likelihood: 3.8

Limited Jurisdiction Court Respondents: **Improbable** – Mean Likelihood: 3.8

State Administrative Office Respondents: **Improbable** – Mean Likelihood: 3.8

### **Courts Accused of Facilitating the Reappearance of “Debtors’ Prisons”**

Court user fees particularly those imposed on defendants and the growing inability of individuals to pay those fees, sends more of the poor to jail until their fines and fees are resolved. Courts are accused of re-establishing Dickensian “debtors’ prisons.”

LW.1.2015.15

The Law: **Unlikely** – Mean Overall Likelihood: 3.3 in the Winter 2015 Survey

Federal System Respondents: **Improbable** – Mean Likelihood: 3.5

General Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.3

Limited Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.2

State Administrative Office Respondents: **Unlikely** – Mean Likelihood: 3.0

### **Nonprofit Groups Offer Grants to Courts**

Nonprofit groups start offering grants to courts and other government agencies in order to advance specific agendas. Improving the mental health system, reducing domestic violence, countering barriers to court access due to income disparity, and assisting children in need are examples of issues where groups start offering grant money in order to enhance court operations.

C\$.1.2016.9

Court Funding: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.9 in the Winter 2016 Survey

Federal System Respondents: **Improbable** – Mean Likelihood: 3.6

General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.7

Limited Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.8

State Administrative Office Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.8

### **Private Groups Offer Grants**

Private associations start offering grants to courts and other government agencies in order to advance specific agendas. Improving the mental health system, reducing domestic violence, and assisting children in need could be examples of where groups might offer grant money to improve court system performance.

C\$.1.2013.3

Court Funding: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.5 in the Spring 2013 Survey

Federal System Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.5

General Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.4

Limited Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.8

State Administrative Office Respondents: **Likely** – Mean Likelihood: 2.3

### **Court Systems Become “State Funded”**

Trial courts receive most of their operating funds, along with judicial and employee salaries, from state governments rather than local funding sources.

C\$.7.2013.4

Court Funding: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Summer 2013 Survey

Federal System Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.5

General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.7

Limited Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.2

State Administrative Office Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.6

### **Grant Writers’ Role Expands Looking for Unconventional Funding Sources**

As government funding continues to evaporate, courts look for new ways to find startup investment cash for projects. Professional grant writers expand their expertise to include heretofore untapped areas such as crowdfunding<sup>4</sup> philanthropy.

C\$.1.2014.5

Court Funding: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter–Spring 2014 Survey

Federal System Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.8

General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.6

Limited Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.5

State Administrative Office Respondents: **Likely** – Mean Likelihood: 2.4

### **Courts Are Freed from Executive Budget Oversight**

Long under the budgetary control of the executive (e.g. in many countries it might be the Ministry of Justice or Ministry of Finance; in the U.S. it might be the County Executive or City Manager), courts emerge to manage their own budgets and resources.

CO.1.2015.25

Court Organization: **Improbable** – Mean Overall Likelihood: 3.6 in the Winter 2015 Survey

Federal System Respondents: **Improbable** – Mean Likelihood: 3.5

General Jurisdiction Court Respondents: **Improbable** – Mean Likelihood: 3.7

Limited Jurisdiction Court Respondents: **Improbable** – Mean Likelihood: 3.5

State Administrative Office Respondents: **Improbable** – Mean Likelihood: 4.0

<sup>4</sup>“Crowdfunding” is defined as tapping into the collective effort of individuals who pool their money usually via the Internet to support other people or organizations. Well known crowdfunding sites include Kickstarter, Indieblog, Crowdfunder, Crowdrise, and Quirky.



## What Will Trials Look Like in the Future?

### Alternative Dispute Resolution (ADR) Becomes the Norm for Courts

Courts routinely have ADR programs such as mediation, arbitration, settlement conferences, and short trials for cases prior to trial.

CF.7.2013.7

Court Funding: **Highly Likely** – Mean Overall Likelihood: 1.8 in the Summer 2013 Survey

Federal System Respondents: **Highly Likely** – Mean Likelihood: 1.8

General Jurisdiction Court Respondents: **Highly Likely** – Mean Likelihood: 1.7

Limited Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.0

State Administrative Office Respondents: **Highly Likely** – Mean Likelihood: 1.8

### Online Mediation Reduces Court Filings

Widespread acceptance of online mediation siphons off cases from the courts.

CF.1.2016.17

Court Functions: **Unlikely** – Mean Overall Likelihood: 3.0 in the Winter 2016 Survey

Federal System Respondents: **Unlikely** – Mean Likelihood: 3.0

General Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.0

Limited Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.0

State Administrative Office Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.9

### Alternative Dispute Resolution (ADR) Makes the Contingency Fee System in Medical Malpractice Cases Irrelevant

ADR moves medical malpractice matters to the administrative arena.

LW.1.2014.12

The Law: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.9 in the Winter–Spring 2014 Survey

Federal System Respondents: **Improbable** – Mean Likelihood: 4.2

General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.8

Limited Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.0

State Administrative Office Respondents: **Unlikely** – Mean Likelihood: 3.1

### Civil Jury Trials Become an Anachronism

The steady decline in the number of civil trials held (both jury and non-jury) finally reaches a point where they become such a rarity as to be virtually nonexistent.

LW.1.2014.13

The Law: **Unlikely** – Mean Overall Likelihood: 3.2 in the Winter–Spring 2014 Survey

Federal System Respondents: **Unlikely** – Mean Likelihood: 3.3

General Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.3

Limited Jurisdiction Court Respondents: **Improbable** – Mean Likelihood: 3.5

State Administrative Office Respondents: **Unlikely** – Mean Likelihood: 3.2

### Specialized Jurors

Courts begin to qualify specialized jurors experienced in specific subject areas for specific types of cases such as contracts, product liability, and patent infringement.

CF.1.2015.13

Court Functions: **Improbable** – Mean Overall Likelihood: 3.9 in the Winter 2015 Survey

Federal System Respondents: **Improbable** – Mean Likelihood: 4.3

General Jurisdiction Court Respondents: **Improbable** – Mean Likelihood: 3.9

Limited Jurisdiction Court Respondents: **Improbable** – Mean Likelihood: 4.0

State Administrative Office Respondents: **Improbable** – Mean Likelihood: 3.9

### **Litigation Entrepreneurs Become a Significant Factor in Lawsuits**

As the gap between rich and poor widens well-funded groups seek out individuals with legal grievances against large corporations. These groups fund (back) individuals in law suits in return for a percentage of the settlement or judgment.

DM.1.2016.17

Demographics: **Maybe (50–50 Chance)** – Mean Overall Likelihood 2.6 in the Winter 2016 Survey

**Federal System Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

**General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**

**State Administrative Office Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

### **Sovereign Citizen Groups Become a Dominant Issue for Courts**

Increasing numbers of groups that question the legitimacy of government at all levels regularly appear in courts forcing operations to be altered in order to address their contentions.

DM.1.2016.18

Demographics: **Maybe (50–50 Chance)** – Mean Overall Likelihood 2.8 in the Winter 2016 Survey

**Federal System Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6**

**General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.8**

**State Administrative Office Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.9**

### **Attorneys Become an Extremely Small Niche in Court Functions**

Computerized legal “self-help” applications become increasingly sophisticated to the point where most people no longer see the need for legal representation. The vast majority of people represent themselves in court. Attorneys represent clients in criminal and juvenile matters only because they do not have to pay for indigent defense.

LW.7.2013.6

The Law: **Improbable** – Mean Overall Likelihood: 3.5 in the Summer 2013 Survey

**Federal System Respondents: Unlikely – Mean Likelihood: 3.3**

**General Jurisdiction Court Respondents: Improbable – Mean Likelihood: 3.6**

**Limited Jurisdiction Court Respondents: Improbable – Mean Likelihood: 3.5**

**State Administrative Office Respondents: Unlikely – Mean Likelihood: 3.2**

### **Professions Increasingly Convert to Nationwide Certifications**

Professions including such vocations as pharmacists, counselors, lawyers, massage therapists, optometrists, nurses, teachers, and contractors move from requiring individual state licenses to national certifications. People can now choose attorneys from any other part of the country.

LW.1.2015.18

The Law: **Unlikely** – Mean Overall Likelihood: 3.0 in the Winter 2015 Survey

**Federal System Respondents: Unlikely – Mean Likelihood: 3.0**

**General Jurisdiction Court Respondents: Unlikely – Mean Likelihood: 3.2**

**Limited Jurisdiction Court Respondents: Unlikely – Mean Likelihood: 3.2**

**State Administrative Office Respondents: Unlikely – Mean Likelihood: 3.3**

## How Will Court Administrators Be Different in the Future?

### Courts Recognize Administrative Professionalism

Judges increasingly recognize the benefits of professional court managers, which impacts the governance structure and functions of courts. This recognition leads to well managed court organizations based on sound business practices rather than management constrained by limitations inherent in the judicial perspective of court operations.

CO.1.2016.28

Court Organization: **Likely** – Mean Overall Likelihood: 2.2 in the Winter 2016 Survey

Federal System Respondents: **Highly Likely** – Mean Likelihood: 1.9

General Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.2

Limited Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.2

State Administrative Office Respondents: **Likely** – Mean Likelihood: 2.1

### The Knowledge Base for Court Administrators Will Significantly Broaden

In the past, court administrators were expected to know about a large but fairly defined set of areas (i.e. caseload management, budgeting, personnel, project management, information processing, and leadership). Future court administrators will need to put greater emphasis on new areas (e.g., community outreach, public relations, social media, probate accounting, mental health, immigration, education methodologies, program evaluation techniques, etc.)

CS.7.2013.7

Court Staffing: **Highly Likely** – Mean Overall Likelihood: 1.9 in the Summer 2013 Survey

Federal System Respondents: **Likely** – Mean Likelihood: 2.0

General Jurisdiction Court Respondents: **Highly Likely** – Mean Likelihood: 1.8

Limited Jurisdiction Court Respondents: **Highly Likely** – Mean Likelihood: 1.9

State Administrative Office Respondents: **Highly Likely** – Mean Likelihood: 1.8

### The Private Sector Will Attract More Clerks of Court & Court Administrators to Other Positions

Clerks of Court and Court Administrators begin to leave the court system for more lucrative private sector jobs. Tight budgets and pay freezes compel high-level administrators to see court administration as a mid-career stepping stone.

CS.7.2013.9

Court Staffing: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.5 in the Summer 2013 Survey

Federal System Respondents: **Likely** – Mean Likelihood: 2.4

General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.6

Limited Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.0

State Administrative Office Respondents: **Likely** – Mean Likelihood: 2.3

## What Will Court Cases Look Like in the Future?

### Case Complexity Will Increase

Some types of cases will continue to become more and more complex.

LW.12.2012.4

The Law: **Likely** – Mean Overall Likelihood: 2.0 in the Spring 2013 Survey

Federal System Respondents: **Highly Likely** – Mean Likelihood: 1.8

General Jurisdiction Court Respondents: **Highly Likely** – Mean Likelihood: 1.9

Limited Jurisdiction Court Respondents: **Highly Likely** – Mean Likelihood: 1.9

State Administrative Office Respondents: **Likely** – Mean Likelihood: 2.3



## How Will Courts Deal With Social Media?

### Courts Will Redefine Their Relationship with Social Media

Modeling off the example of a few of the most innovative courts nationally, courts across the country craft workable and enforceable regulations on the limits of social media within the justice system.

CT.1.2013.9

*Court Technology: Likely – Mean Overall Likelihood: 2.0 in the Spring 2013 Survey*

*Federal System Respondents: Highly Likely – Mean Likelihood: 1.9*

*General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.0*

*Limited Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.1*

*State Administrative Office Respondents: Highly Likely – Mean Likelihood: 1.8*

### Mobile Devices and Social Media Overwhelm Courts

The variety of ways parties, court observers, and even jurors communicate expands beyond the capacity of courts to control. Although courts continue issuing policies regulating mobile devices and social media within the court, the policies are largely ignored.

*This scenario was first in the Spring 2013 survey and was assessed as having a 50–50 Chance with a 2.6 average probability. At that time the scenario's title was "Social Media Overwhelms the Courts"*

CT.1.2013.10

*Court Technology: Likely – Mean Overall Likelihood: 2.3 in the Winter–Spring 2014 Survey*

*Federal System Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5*

*General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.3*

*Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6*

*State Administrative Office Respondents: Likely – Mean Likelihood: 2.2*

### The "Deepnet" Becomes Popular

As people rebel against government agencies ability to monitor them on the traditional World Wide Web, more and more individuals turn to the Deepnet to enjoy the benefits of electronic information without being tracked. Courts deal with a growing number of cases involving this hidden portion of the World Wide Web.

DM.1.2016.14

*Demographics: Maybe (50–50 Chance) – Mean Overall Likelihood 2.7 in the Winter 2016 Survey*

*Federal System Respondents: Likely – Mean Likelihood: 2.0*

*General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7*

*Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7*

*State Administrative Office Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.8*

## What Sort of Societal Changes are Likely in the Future?

### The Gap Between Rich and Poor Becomes the Overriding Societal Challenge

Although race, gender, and age divisions continue to be community concerns, the widening gulf between the rich and the poor dwarfs other issues facing society. Courts are challenged to cope with the growing subculture of the poor.

DM.1.2015.7

*Demographics: Likely – Mean Overall Likelihood: 2.2 in the Winter 2015 Survey*

*Federal System Respondents: Likely – Mean Likelihood: 2.2*

*General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.3*

*Limited Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.1*

*State Administrative Office Respondents: Likely – Mean Likelihood: 2.2*

### **The Education Gap Widens**

The gap between those with advanced degrees and those unable to obtain a higher education widens. This divide becomes a concern for courts.

DM.1.2016.16

Demographics: **Maybe (50–50 Chance)** – Mean Overall Likelihood 2.6 in the Winter 2016 Survey

**Federal System Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

**General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.8**

**State Administrative Office Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6**

### **The Traditional Family Unit is Only One of Many Alternatives People Choose**

Family Courts look to new and different resolution methods to deal with issues where seeing a variety of alternative family lifestyles becomes an everyday occurrence.

DM.1.2015.10

Demographics: **Highly Likely** – Mean Overall Likelihood: 1.7 in the Winter 2015 Survey

**Federal System Respondents: Highly Likely – Mean Likelihood: 1.7**

**General Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.6**

**Limited Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.7**

**State Administrative Office Respondents: Highly Likely – Mean Likelihood: 1.8**

### **The Traditional Family Unit Becomes a Relic**

People marry later and later and blended families become the norm. Family Courts nationally must craft new methods for dealing with these social arrangements.

DM.1.2013.3

Demographics: **Likely** – Mean Overall Likelihood: 2.0 in the Spring 2013 Survey

**Federal System Respondents: Highly Likely – Mean Likelihood: 1.9**

**General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.1**

**Limited Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.7**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.3**

### **Paper Money Disappears**

The ease of electronic forms of money, such as credit, debit, gift cards, and smartphones (and successor technology) applications along with the electronic transfer of funds results in little or no use for paper money or coins any more. Fewer businesses, public agencies, and individuals will have the means to accept cash. Courts are forced to adapt their financial transactions almost exclusively to electronic fund transfer of restitution, bail, bonds, fees, and fines payments.

*This scenario was first surveyed in the Spring of 2013 and assessed as Likely with a 2.3 average probability under the same title.*

DM.1.2013.4

Demographics: **Likely** – Mean Overall Likelihood: 2.4 in the Winter–Spring 2014 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.1**

**General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

**Limited Jurisdiction Court Respondents: Unlikely – Mean Likelihood: 2.7**

**State Administrative Office Respondents: Unlikely – Mean Likelihood: 2.6**



### **24/7 Court TV**

Television networks' search for "notorious" high profile trials will reach a fever pitch. As they scour the country looking for sensational trials to hold the public's interest, the court system nationally will become the next great "reality TV" venue. The public will eventually be able to tune in any time (day or night) and watch a trial either live or tape delayed from earlier that day.

CT.12.2012.4

Court Technology: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.6 in the Spring 2013 Survey

**Federal System Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**

**General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**

**Limited Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.4**

**State Administrative Office Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.9**

### **Tribal Courts Will Increase in Authority**

The role of tribal courts will grow in jurisdiction and authority. At one time many tribal courts outsourced jurisdictional authority; those courts now reclaim that authority.

CO.12.2012.3

Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Spring 2013 Survey

**Federal System Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6**

**General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**

**Limited Jurisdiction Court Respondents: Unlikely – Mean Likelihood: 3.0**

**State Administrative Office Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.9**

### **Racial Distinctions Virtually Disappear**

Intermarriage and immigration will increase to the point that it will become virtually impossible to distinguish the racial origin of an individual.

DM.12.2012.1

Demographics: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.9 in the Spring 2013 Survey

**Federal System Respondents: Improbable – Mean Likelihood: 3.6**

**General Jurisdiction Court Respondents: Unlikely – Mean Likelihood: 3.1**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

**State Administrative Office Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.9**

### **Courts Expand Their Role to Adapt to the Aging Demographic**

As the population gets progressively older, the issues of the elderly become a primary concern for courts. Both employees and customers drive courts to start new programs to address the issues of the elderly.

DM.1.2016.15

Demographics: **Likely** – Mean Overall Likelihood 2.2 in the Winter 2016 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.3**

**General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.0**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

**State Administrative Office Respondents: Highly Likely – Mean Likelihood: 1.9**

### **Courts Deal With Human Lifespan That is No Longer Biologically Limited**

Assumptions of ultimate death by the law (for example, Rule Against Perpetuities) are re-examined. The complexion of cases involving wills, trusts, conservators, and estates all changes. Appropriateness of sentence duration is challenged - who cares about 20 year sentence if lifespan is over 200 years?

DM.1.2016.13

Demographics: **Improbable** – Mean Overall Likelihood 3.6 in the Winter 2016 Survey

**Federal System Respondents: Improbable – Mean Likelihood: 3.6**

**General Jurisdiction Court Respondents: Improbable – Mean Likelihood: 3.6**

**Limited Jurisdiction Court Respondents: Unlikely – Mean Likelihood: 3.4**

**State Administrative Office Respondents: Improbable – Mean Likelihood: 3.8**

### **National Demographics Dramatically Change**

Multiracial families, changing age cohorts, changing immigration patterns, blended families all change national demographics. Courts adapt their focus and services.

DM.1.2015.9

Demographics: **Likely** – Mean Overall Likelihood: 2.0 in the Winter 2015 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.0**

**General Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.9**

**Limited Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.1**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.0**

### **Technology Enables Us to Engage in Communication Virtually Without Physical Interaction**

Technology-enabled immediate access to information and communication (currently in its rudimentary stages with smartphones) will advance to where there will be no need for external action (voice, touch, or motion). People will "think" their questions, receive answers and other input, send and receive messages (both visually and orally), all without any outward evidence that they are doing so.

CT.1.2014.22

Court Technology: **Unlikely** – Mean Overall Likelihood: 3.3 in the Winter-Spring 2014 Survey

**Federal System Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.9**

**General Jurisdiction Court Respondents: Unlikely – Mean Likelihood: 3.2**

**Limited Jurisdiction Court Respondents: Unlikely – Mean Likelihood: 3.1**

**State Administrative Office Respondents: Improbable – Mean Likelihood: 3.7**

### **Mental, Physical, and Perceptual "Augmentation" is Commonplace**

New medications and surgery "enhance" people. For example drugs allow for enhanced concentration and perception as well as manage an increasing number of personality issues. Prosthetics (some acquired by choice) changes how human bodies withstand stress and even age. Courts must face new ADA issues.

DM.1.2015.11

Demographics: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter 2015 Survey

**Federal System Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**

**General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**

**State Administrative Office Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.8**

### **Self-Driving Vehicles are Commonplace on the Roads**

Self-driving vehicles reduce traffic citations and tort motor vehicle law suits.

DM.1.2015.8

Demographics: **Unlikely** – Mean Overall Likelihood: 3.2 in the Winter 2015 Survey

Federal System Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.9

General Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.2

Limited Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.2

State Administrative Office Respondents: **Unlikely** – Mean Likelihood: 3.2

### **How Much Will We Be Watched in the Future?**

#### **People Wear or Carry Locator Devices at All Times**

Just about everyone carries a locator device at all times. For example SmartPhones have GPS capability, parents will want their children to have them or at least locator chips; businesses will require employees and visitors to allow tracking of their locations at all times; some businesses sell clothing with chips embedded in the clothes; schools may require students and staff to have them.

A version of this scenario was first in the Winter 2014 survey. It was assessed as *Improbable* with a 3.5 average probability. At that time the scenario's title was "People carry and/or have implanted devices showing their location at all times."

DM.1.2014.6

Demographics: **Unlikely** – Mean Overall Likelihood: 3.2 in the Winter 2016 Survey

Federal System Respondents: **Unlikely** – Mean Likelihood: 3.2

General Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.4

Limited Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.0

State Administrative Office Respondents: **Unlikely** – Mean Likelihood: 3.3

#### **Electronic Probation Will Be the Norm**

The entire world of probation will change as ankle bracelets, GPS, and video monitoring become less costly and less intrusive. Virtually all probationers will be tracked 24/7 in real-time and immediately reported if they violate a condition.

CT.12.2012.18

Court Technology: **Likely** – Mean Overall Likelihood: 2.1 in the Spring 2013 Survey

Federal System Respondents: **Highly Likely** – Mean Likelihood: 1.8

General Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.0

Limited Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.0

State Administrative Office Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.7

#### **Social Network Vigilantism**

A combination of the social network and ever increasing security tracking will assist in a burgeoning movement of citizen "vigilantes" who will keep an eye on their neighbors. If someone has been recently arrested for drunk driving, arrested for driving while suspended, or suspected of being delinquent in child support obligations, neighbors will start posting information about that individual on the social network. This movement will be assisted by ever-increasing electronic vigilance by security cameras, unmanned drones, and electronic tracking through credit cards, debit cards, and profiles.

CT.12.2012.5

Court Technology: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Spring 2013 Survey

Federal System Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.9

General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.7

Limited Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.3

State Administrative Office Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.9



### **Pervasive Citizen Video Surveillance of Government**

Citizens now video everything. No transaction with a government worker, whether law enforcement or court staff, goes unrecorded and unanalyzed. Courts must deal with an influx of video evidence plus deal with social media videos of incidents that are parts of ongoing litigation.

CT.1.2016.33

Court Technology: **Likely** – Mean Overall Likelihood: 2.2 in the Winter 2016 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.1**

**General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.2**

**Limited Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.3**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.1**

### **How Will the Public See the Courts in the Future?**

#### **The Gap Between Society's Expectations of Courts and Courts' Capacity to Meet those Expectations Will Widen.**

Communities will expect courts to do an even better job of solving family problems, rehabilitating the homeless and drug addicted, protecting neighborhoods from potential criminals, and dispensing mistake-free justice quickly without additional resources.

DM.12.2012.2

Demographics: **Likely** – Mean Overall Likelihood: 2.1 in the Spring 2013 Survey

**Federal System Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

**General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.1**

**Limited Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.1**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.1**

#### **The Gap Between Urban and Rural Courts Widens**

The resources and services gap between urban and rural courts widens, leaving rural courts needing to continue to “catch up” to enjoy technological advances and innovations.

CO.7.2013.15

Court Organization: **Likely** – Mean Overall Likelihood: 2.4 in the Summer 2013 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.1**

**General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.4**

**Limited Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.2**

**State Administrative Office Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**

#### **The Gap Between Well-Funded and Poorly Funded Courts Widens**

Poorly funded courts (usually smaller, rural courts) receive proportionally less funding and are less capable of offering sophisticated services to the public than well-funded courts. For example, large courts embark on electronic content management (ECM), while poorer courts still operate on paper; poorer courts are unable to offer advanced counseling services, or sophisticated security systems.

C\$.1.2015.8

Court Technology: **Likely** – Mean Overall Likelihood: 2.4 in the Winter 2015 Survey

**Federal System Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

**General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.4**

**Limited Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.1**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.4**

### **Judiciary Engages in Comprehensive and Sophisticated Public Outreach**

Gone are the days of court officials going out to preach boring civics lessons to high school classes and community groups. The judicial branch builds on examples from advertising and even Hollywood story-telling to show the public a compelling depiction of courts' value to society.

CF.1.2014.11

*Court Functions: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter–Spring 2014 Survey*

*Federal System Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.5*

*General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.7*

*Limited Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.8*

*State Administrative Office Respondents: **Likely** – Mean Likelihood: 2.3*

### **Traditional Court Outreach**

Courts collaborate with local bar associations, business and community leaders, local media (including social media) and the educational community to develop educational campaigns, materials, and curriculums used by civic groups as well as high schools, colleges, and other educational venues. Typical efforts meant to raise the level of public understanding of the justice system include “the role of courts in government.”

CF.1.2015.12

*Court Functions: **Likely** – Mean Overall Likelihood: 2.0 in the Winter 2015 Survey*

*Federal System Respondents: **Likely** – Mean Likelihood: 2.0*

*General Jurisdiction Court Respondents: **Highly Likely** – Mean Likelihood: 1.9*

*Limited Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.1*

*State Administrative Office Respondents: **Highly Likely** – Mean Likelihood: 1.7*

## **How Will the Laws Change in the Future?**

### **Marijuana will be Legal**

Marijuana will be legal or “decriminalized” essentially everywhere.

*This scenario was first in the Spring 2013 survey and was assessed as **Likely** with a 2.3 average probability. At that time the scenario’s title was “Medical Marijuana Will Be Legal”*

LW.12.2012.1

*The Law: **Likely** – Mean Overall Likelihood: 2.2 in the Winter–Spring 2014 Survey*

*Federal System Respondents: **Likely** – Mean Likelihood: 2.0*

*General Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.1*

*Limited Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.0*

*State Administrative Office Respondents: **Likely** – Mean Likelihood: 2.2*

### **Legalized Marijuana Leads to Increases in Related Crimes**

Legal or “decriminalized” marijuana results in increased arrests for offenses such as driving under the influence.

LW.1.2013.7

*The Law: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.6 in the Spring 2013 Survey*

*Federal System Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.9*

*General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.6*

*Limited Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.2*

*State Administrative Office Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.8*



### **Intermediate Sanctions Will Dominate Criminal and Traffic**

Courts develop an ingenious series of intermediate sanctions to impose on violators of minor criminal and post-sentencing actions such as violating probation or missing treatment sessions.

CF.12.2012.1

Court Functions: **Likely** – Mean Overall Likelihood: 2.1 in the Spring 2013 Survey

Federal System Respondents: **Likely** – Mean Likelihood: 2.1

General Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.0

Limited Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.4

State Administrative Office Respondents: **Likely** – Mean Likelihood: 2.2

### **Many Lower-Level Crimes Will Be Reduced**

A significant number of lower-level felonies are converted to misdemeanors; many lower-level misdemeanors are converted to violations.

LW.7.2013.7

The Law: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.6 in the Summer 2013 Survey

Federal System Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.5

General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.5

Limited Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.4

State Administrative Office Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.7

### **States Will Give Significantly More Sentencing Discretion to Judges**

In order to reduce prison populations, state legislatures restore more judicial discretion in sentencing minor non-violent offenders.

LW.7.2013.8

The Law: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Summer 2013 Survey

Federal System Respondents: **Likely** – Mean Likelihood: 2.3

General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.8

Limited Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.3

State Administrative Office Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.5

### **Courts Find More Alternatives to Jail**

As the numbers of incarcerated defendants increase, courts use an increasing variety of alternatives to custody in order to manage jailed defendants.

CF.1.2016.18

Court Functions: **Likely** – Mean Overall Likelihood: 2.0 in the Winter 2016 Survey

Federal System Respondents: **Highly Likely** – Mean Likelihood: 1.9

General Jurisdiction Court Respondents: **Highly Likely** – Mean Likelihood: 1.9

Limited Jurisdiction Court Respondents: **Highly Likely** – Mean Likelihood: 1.8

State Administrative Office Respondents: **Likely** – Mean Likelihood: 2.0

### **Courts Will Define Limits to Interpretation**

Demand on courts for more and more exotic languages will increase. Courts will finally demarcate boundaries on these demands requiring parties to demonstrate their inability to truly understand more universal languages such as English or Spanish.

CF.12.2012.2

Court Functions: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Spring 2013 Survey

Federal System Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.9

General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.9

Limited Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.4

State Administrative Office Respondents: **Unlikely** – Mean Likelihood: 3.1

### **Collecting on Judgments Gets Easy**

Collecting civil judgments will become easier. Parties no longer have to transcribe civil judgments from one court to another and from one jurisdiction or state to another.

LW.1.2013.5

*The Law: **Maybe (50-50 Chance)** – Mean Overall Likelihood: 2.8 in the Spring 2013 Survey*

*Federal System Respondents: **Maybe (50-50 Chance)** – Mean Likelihood: 2.6*

*General Jurisdiction Court Respondents: **Maybe (50-50 Chance)** – Mean Likelihood: 2.8*

*Limited Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.1*

*State Administrative Office Respondents: **Maybe (50-50 Chance)** – Mean Likelihood: 2.6*

### **Grand Juries Disappear**

Because of their expense and inadequacy as a legitimate vetting agent, grand juries will be phased out; all criminal cases will commence by preliminary hearing, which defendants can (and often do) waive.

LW.12.2012.2

*The Law: **Maybe (50-50 Chance)** – Mean Overall Likelihood: 2.9 in the Spring 2013 Survey*

*Federal System Respondents: **Unlikely** – Mean Likelihood: 3.3*

*General Jurisdiction Court Respondents: **Maybe (50-50 Chance)** – Mean Likelihood: 2.9*

*Limited Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.0*

*State Administrative Office Respondents: **Likely** – Mean Likelihood: 2.4*

### **Jurisdictions Allow Felons Released from Prison to Sit on Juries**

Laws automatically allow individuals released from prison after being convicted of a felony to become jurors once they register to vote or obtain a driver's license. Courts must modify their jury operations as well as deal with the backlash of allowing criminals to judge criminals.

LW.1.2016.19

*The Law: **Improbable** – Mean Overall Likelihood: 3.6 in the Winter 2016 Survey*

*Federal System Respondents: **Improbable** – Mean Likelihood: 3.6*

*General Jurisdiction Court Respondents: **Improbable** – Mean Likelihood: 3.5*

*Limited Jurisdiction Court Respondents: **Improbable** – Mean Likelihood: 3.8*

*State Administrative Office Respondents: **Unlikely** – Mean Likelihood: 3.4*

### **Distinctions Between Juvenile and Adult Cases Will Virtually Disappear**

As procedural requirements increase, the juvenile system takes on more of the attributes of the adult system until the two systems become indistinguishable.

CO.12.2012.4

*Court Organization: **Improbable** – Mean Overall Likelihood: 3.6 in the Spring 2013 Survey*

*Federal System Respondents: **Improbable** – Mean Likelihood: 3.6*

*General Jurisdiction Court Respondents: **Improbable** – Mean Likelihood: 3.6*

*Limited Jurisdiction Court Respondents: **Improbable** – Mean Likelihood: 3.7*

*State Administrative Office Respondents: **Improbable** – Mean Likelihood: 3.5*

## **How Will Courts Be Organized in the Future?**

### **States Will Adopt Common Case Management Time Standards**

States adopt common standards (i.e. time to disposition, etc.) such as those promoted by the American Bar Association and Conference of State Court Administrators.

CF.7.2013.4

*Court Funding: **Likely** – Mean Overall Likelihood: 2.1 in the Summer 2013 Survey*

*Federal System Respondents: **Likely** – Mean Likelihood: 2.2*

*General Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.0*

*Limited Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.2*

*State Administrative Office Respondents: **Likely** – Mean Likelihood: 2.0*

### ***Fine and Fee Collections Will Centralize to Pursue Monies Owed to the Courts***

Regional or statewide fine and fee collections processing becomes the norm to achieve efficiencies from large scale uniform administration.

CO.7.2013.14

Court Organization: **Likely** – Mean Overall Likelihood: 2.1 in the Summer 2013 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.3**

**General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.0**

**Limited Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.3**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.0**

### ***Courts Maintain Programs that Guard Against Abuse of Vulnerable Populations***

Courts regularly maintain programs that assertively monitor potential abuse of individuals including the elderly, the mentally ill, wards of the state, protected persons, children, etc.

CF.7.2013.8

Court Functions: **Likely** – Mean Overall Likelihood: 2.1 in the Summer 2013 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.3**

**General Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.9**

**Limited Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.2**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.1**

### ***States Adopt Uniform Standards for Dealing with Self-Represented Litigants***

Uniform standards will include access to forms, interpreters, and procedural information.

CF.7.2013.5

Court Functions: **Likely** – Mean Overall Likelihood: 2.1 in the Summer 2013 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.2**

**General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.0**

**Limited Jurisdiction Court Respondents: (50-50 Chance) – Mean Likelihood: 2.5**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.1**

### ***Specialty Problem-Solving Courts Abound***

The success of and demand for problem-solving courts grows exponentially. Every general and limited jurisdiction court in the country runs a problem-solving court ranging from drugs and drunk driving, to gambling, petty theft, and “dead beat” spouses.

CO.1.2013.9

Court Organization: **Likely** – Mean Overall Likelihood: 2.2 in the Spring 2013 Survey

**Federal System Respondents: Maybe (50-50 Chance) – Mean Likelihood: 2.9**

**General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.2**

**Limited Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.2**

**State Administrative Office Respondents: Highly Likely – Mean Likelihood: 1.8**

### ***Specialty Problem-Solving Courts Will Disappear***

The resource demands of problem-solving courts eventually overwhelm the rest of court operations. In courts across the country leadership decides that these courts must be limited in favor of more traditional adjudication modalities.

CO.1.2013.10

Court Organization: **Improbable** – Mean Overall Likelihood: 3.5 in the Spring 2013 Survey

**Federal System Respondents: Improbable – Mean Likelihood: 3.5**

**General Jurisdiction Court Respondents: Improbable – Mean Likelihood: 3.6**

**Limited Jurisdiction Court Respondents: Unlikely – Mean Likelihood: 3.3**

**State Administrative Office Respondents: Improbable – Mean Likelihood: 4.0**



### **Court Infrastructure Functions Will Centralize**

To reduce expenses and balance budgets, court functions such as human resources, revenue accounting and disbursement, payroll, grant development, and information management are centralized on a statewide or regional basis.

CF.7.2013.3

Court Functions: **Likely** – Mean Overall Likelihood: 2.3 in the Summer 2013 Survey

Federal System Respondents: **Highly Likely** – Mean Likelihood: 1.7

General Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.3

Limited Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.9

State Administrative Office Respondents: **Likely** – Mean Likelihood: 2.0

### **One Court System Per State**

The ongoing budget crisis continues to force court systems to unify in virtually every state across the country. Court unification blurs and eventually eliminates distinctions between general jurisdiction and limited jurisdiction courts.

CO.12.2012.1

Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Spring 2013 Survey

Federal System Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.6

General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.8

Limited Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.9

State Administrative Office Respondents: **Unlikely** – Mean Likelihood: 3.2

### **States Consolidate Court Levels Within Their State Court Structures**

State legislatures consolidate two or more levels of trial court jurisdictions believing that the consolidations enhance “economies of scale” and flexibility within a state.

CO.7.2013.12

Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Summer 2013 Survey

Federal System Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.5

General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.8

Limited Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.1

State Administrative Office Respondents: **Unlikely** – Mean Likelihood: 3.0

### **Courts Once Again Expand Their Hours**

After years of budget cut backs, courts once again offer “night court” and other expanded hours services to customers in the community.

CF.7.2013.9

Court Functions: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Summer 2013 Survey

Federal System Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.8

General Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.0

Limited Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.6

State Administrative Office Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.9

### **Federal Courts and Offices Administratively Consolidate**

The District Courts, the Bankruptcy Courts, Federal Probation, Circuit Courts, and some specialty courts (e.g., Court of Claims and Tax Court) consolidate all or part of their administrative operations. This may include: human resources, payroll, building services and security, information technology, court reporting and electronic recording, interpreting, finance, budget, and purchasing. Although the judges in these courts handle different case types, efficiencies from economies of scale are achieved in non-judicial administrative areas.

CO.1.2015.26

A version of this scenario first ran in the Summer 2013 survey and was assessed as having a 50-50 Chance with a 2.9 mean probability. At that time the scenario was titled "The Federal Court System Consolidates" (CO-7.2013.16) and referred only to the merger of federal district and bankruptcy courts.

Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter 2015 Survey

**Federal System Respondents: Highly Likely – Mean Likelihood: 1.8**

**General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.9**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**

**State Administrative Office Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.9**

### **State Courts Share Administrative Functions with Federal Courts**

State and federal budget cuts force cooperation of the two court systems creating efficiencies through volume management (e.g., human resources, payroll, computer technology, telecommunications, courtroom resources, etc.).

CO.7.2013.13

Court Organization: **Improbable** – Mean Overall Likelihood: 4.0 in the Summer 2013 Survey

**Federal System Respondents: Improbable – Mean Likelihood: 3.9**

**General Jurisdiction Court Respondents: Improbable – Mean Likelihood: 4.0**

**Limited Jurisdiction Court Respondents: Improbable – Mean Likelihood: 4.0**

**State Administrative Office Respondents: Improbable – Mean Likelihood: 4.5**

### **Successful "Problem Solving Court" Model Expands to the Rest of Court**

Staffings, celebratory court sessions, extensive judicial involvement, rewards and sanctions, social assistance, regular testing, and intense supervision become a standard in all case types. The therapeutic model used in drug courts, mental health courts, domestic violence offender courts, prison re-entry courts, veterans' courts etc. spreads throughout the court.

CO.1.2015.23

Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Winter 2015 Survey

**Federal System Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.8**

**General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.9**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**

**State Administrative Office Respondents: Unlikely – Mean Likelihood: 3.0**

### **Probation Supervision Increasingly Specializes**

As society becomes more complex so too does probation supervision. With increasing numbers of the mentally ill, sex offenders, gang members, and the drug addicted as probationers, probation departments hire more and more specialists in these various areas to supervise and treat individuals on their caseload.

CF.1.2016.16

Court Function: **Likely** – Mean Overall Likelihood: 2.1 in the Winter 2016 Survey

**Federal System Respondents: Highly Likely – Mean Likelihood: 1.8**

**General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.1**

**Limited Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.2**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.1**



## **What Will Court Innovation Look Like in the Future?**

### **"Evidence-Based Practice" Becomes the Standard For New Court Program Development**

Valid substantiation of successful outcomes measured through nationally accepted standards becomes the definition of an "evidence-based practice" and becomes the criterion for new program funding.

CF.7.2013.6

Court Functions: **Likely** – Mean Overall Likelihood: 2.2 in the Summer 2013 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.2**

**General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.0**

**Limited Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.4**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.2**

## **Will Courts Remain Relevant in the Future?**

### **Parking & Minor Traffic Cases Will Go Administrative**

Acknowledging the largely administrative nature of front end processing for traffic and parking cases, states, counties, and cities place the functions under administrative jurisdiction such as state dept. of motor vehicles, county enforcement, or city finance.

CO.1.2013.8

Court Organization: **Likely** – Mean Overall Likelihood: 2.2 in the Spring 2013 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.1**

**General Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.9**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.9**

**State Administrative Office Respondents: Highly Likely – Mean Likelihood: 1.9**

### **Routine Probate Cases Will Go Administrative**

Acknowledging the largely administrative nature of many estate matters, states and counties turn over initial routine probate functions to administrative jurisdictions such as the state or county fiduciary.

CO.1.2013.11

Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.5 in the Spring 2013 Survey

**Federal System Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6**

**General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.0**

### **Family Court Will Go Administrative**

Acknowledging the growing need for a combined approach to marriage dissolutions and separations through family counseling, financial counseling, investigation, and mediation, states remove these cases from the courts placing them under administrative jurisdiction allowing for a seamless combination of approaches unhindered by judicial intervention.

CO.12.2012.6

Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Spring 2013 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.4**

**General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.8**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

**State Administrative Office Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.9**

### **More Functions Move From Courts to the Executive**

Courts adjust as a number of functions including Security and Probation move from court operations to the city, county, state, or an executive agency.

CO.1.2016.30

Court Organization: **Unlikely** – Mean Overall Likelihood: 3.1 in the Winter 2016 Survey

**Federal System Respondents: Improbable – Mean Likelihood: 3.5**

**General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**

**Limited Jurisdiction Court Respondents: Unlikely – Mean Likelihood: 3.1**

**State Administrative Office Respondents: Unlikely – Mean Likelihood: 3.3**

### **Executive Directly Manages Court Records and Information**

Executive agencies (e.g. in many countries it might be the Ministry of Justice or Ministry of Finance; in the U.S. it might be the County Executive, City Manager, or state administrative services agency), manage court records and information. Courts become a “customer” of the managing executive agency.

CO.1.2015.27

Court Organization: **Improbable** – Mean Overall Likelihood: 3.7 in the Winter 2015 Survey

**Federal System Respondents: Improbable – Mean Likelihood: 3.9**

**General Jurisdiction Court Respondents: Improbable – Mean Likelihood: 3.7**

**Limited Jurisdiction Court Respondents: Improbable – Mean Likelihood: 3.8**

**State Administrative Office Respondents: Improbable – Mean Likelihood: 4.1**

## **How Will Other Parts of Government Relate to the Courts?**

### **Legislature and Executive Drive Judicial Branch Policy Decisions**

These mandates and directives expand further into the fiscal arena and also drive the use of performance metrics.

CO.1.2014.19

Court Organization: **Likely** – Mean Overall Likelihood: 2.2 in the Winter–Spring 2014 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.2**

**General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.1**

**Limited Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.4**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.3**

### **Governance Issues Continue to Challenge Courts**

Unclear role definition, unclear relationships with local funding bodies, and unclear responsibility assignments between leadership judges and court managers remains.

CO.1.2014.20

Court Organization: **Likely** – Mean Overall Likelihood: 2.4 in the Winter–Spring 2014 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.4**

**General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.2**

### **“Community Safety” Will Become an Integral Part of Court Mission Statements**

Acknowledging its attractiveness to funding bodies, courts promote “community safety,” which eclipses other traditional mission objectives such as dispensing individual justice and maintaining independent forums for resolving disputes.

CF.7.2013.10

Court Functions: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Summer 2013 Survey

**Federal System Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.8**

**General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6**

**State Administrative Office Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6**

### **Legislative Budgetary Disapproval**

As courts remain underfunded, legislatures legitimize their long “sub rosa” strategy of disapproving of court decisions by tying funding packages to specific court actions.

CS.12.2012.1

Court Funding: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Spring 2013 Survey

**Federal System Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.8**

**General Jurisdiction Court Respondents: Unlikely – Mean Likelihood: 3.0**

**Limited Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.4**

**State Administrative Office Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6**

### **What Will Staff Look Like & How Will Courts Relate to Staff?**

#### **Courts Will Lose Most of Their Organizational Memory**

An aging work force that fears losing retirement pensions and more judicial officers seeing a judgeship as a career stepping stone rather than a capstone results in a significantly younger work force with little recall of organizational history.

CS.12.2012.1

Court Staffing: **Likely** – Mean Overall Likelihood: 2.4 in the Spring 2013 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.3**

**General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.4**

**Limited Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.3**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.1**

#### **Courts Will Employ Significantly More Knowledge Workers**

As caseload management and court management in general becomes more complex, courts will hire more and more staff relying on their knowledge of court procedures, the law, various languages, and interpersonal interaction.

*This scenario was first surveyed in the Spring of 2013 and assessed as Likely with a 2.4 average probability.*

CS.1.2013.6

Court Staffing: **Likely** – Mean Overall Likelihood: 2.2 in the Winter 2016 Survey

**Federal System Respondents: Highly Likely – Mean Likelihood: 1.8**

**General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.1**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6**

**State Administrative Office Respondents: Highly Likely – Mean Likelihood: 1.9**

#### **Courts Offer Their Training Through Distance Learning**

Most staff training is offered through webinars, videos, downloadable PowerPoints, etc.

CS.7.2013.8

Court Staffing: **Highly Likely** – Mean Overall Likelihood: 1.6 in the Summer 2013 Survey

**Federal System Respondents: Highly Likely – Mean Likelihood: 1.4**

**General Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.5**

**Limited Jurisdiction Court Respondents: Highly Likely – Mean Likelihood: 1.5**

**State Administrative Office Respondents: Highly Likely – Mean Likelihood: 1.5**



### **Alternative Work Schedules Will Become the Norm**

Employee pressure for more flexibility coupled with budget pressures force virtually all courts to adopt alternative work schedules.

CS.12.2012.3

Court Staffing: **Likely** – Mean Overall Likelihood: 2.4 in the Spring 2013 Survey

**Federal System Respondents: Highly Likely – Mean Likelihood: 1.9**

**General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

**Limited Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.4**

**State Administrative Office Respondents: Likely – Mean Likelihood: 2.4**

### **Court Outsourcing**

As more knowledge workers enter the court system more sophisticated tasks are outsourced to professionals, many of whom work part-time, often from their homes.

This scenario was first surveyed in the Spring of 2013 and assessed as having a 50–50 Chance with a 2.9 average probability. That scenario described routine jobs being outsourced; this scenario describes outsourcing sophisticated tasks.

CS.12.2012.4

Court Staffing: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.6 in the Winter–Spring 2014 Survey

**Federal System Respondents: Highly Likely – Mean Likelihood: 1.6**

**General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.8**

**State Administrative Office Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**

### **Court Employees Will Work “at the pleasure”**

Virtually all court employees nationwide will become unclassified and work “at the pleasure” of the court’s presiding judge and executive leadership.

CS.12.2012.2

Court Staffing: **Unlikely** – Mean Overall Likelihood: 3.0 in the Spring 2013 Survey

**Federal System Respondents: Likely – Mean Likelihood: 2.4**

**General Jurisdiction Court Respondents: Unlikely – Mean Likelihood: 3.1**

**Limited Jurisdiction Court Respondents: Unlikely – Mean Likelihood: 3.1**

**State Administrative Office Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.9**

### **Will We Address Human Trafficking?**

#### **Human Trafficking Cases Sharply Increase on Dockets**

Human trafficking becomes a national concern. Many individuals are arrested and tried around the country and around the world for crimes related to human trafficking.

LW.1.2014.14

The Law: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.6 in the Winter–Spring 2014 Survey

**Federal System Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

**General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**

**State Administrative Office Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**



### **Immigration Issues Will Increase on Court Dockets**

Parties' immigration status becomes a decision point in virtually all court cases. Courts will have to establish parties' citizenship before being able to move ahead on a case.

*This scenario was first surveyed in the Spring of 2013 and assessed as having a 50–50 Chance with a 2.9 average probability under the same title.*

LW.12.2012.3

*The Law: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter–Spring 2014 Survey*

*Federal System Respondents: **Likely** – Mean Likelihood: 2.4*

*General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.6*

*Limited Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.5*

*State Administrative Office Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.8*

### **Concern Over Immigration Status Fades Away**

As the economy recovers and the country is faced with a skilled labor shortage, courts are no longer required to determine parties' immigration status to adjudicate cases.

LW.12.2012.6

*The Law: **Unlikely** – Mean Overall Likelihood: 3.1 in the Spring 2013 Survey*

*Federal System Respondents: **Unlikely** – Mean Likelihood: 3.1*

*General Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.1*

*Limited Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.1*

*State Administrative Office Respondents: **Unlikely** – Mean Likelihood: 3.3*

## **How Will Our Courthouses Survive?**

### **Many Aging Courthouses Fail to Meet Code or are Condemned**

After years of ignoring the judiciary's aging physical plant, funding bodies are finally faced with courthouses that are declared unsafe and are condemned.

CO.1.2014.18

*Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter–Spring 2014 Survey*

*Federal System Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.5*

*General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.7*

*Limited Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.7*

*State Administrative Office Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.7*

### **Courthouse Construction Goes Regional**

Shrinking budgets eventually force courts to collaborate between jurisdictional venues (e.g., between counties, districts, provinces, or territories) to construct new courthouses. New courthouses are not necessarily located in an urban setting, but more often built near a jurisdictional border in order to allow multiple court operations to use the facility.

CO.1.2014.17

*Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter–Spring 2014 Survey*

*Federal System Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.9*

*General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.8*

*Limited Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.6*

*State Administrative Office Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.6*

### **Public–Private Courthouse Construction**

Shrinking budgets force courts to turn to the private sector for financial help with the physical plant. Courts develop innovative ways private entities can help fund new courthouse construction.

*This scenario was first surveyed in the Spring of 2013 and assessed as Likely with a 2.9 average probability under the same title.*

CO.12.2012.2

Court Organization: **Unlikely** – Mean Overall Likelihood: 3.1 in the Winter–Spring 2014 Survey

Federal System Respondents: **Unlikely** – Mean Likelihood: 3.0

General Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.2

Limited Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.4

State Administrative Office Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.8

### **Courthouse Construction Focuses on Multi–Use Facilities**

To satisfy demands from funding bodies, jurisdictions move away from constructing courthouses used only (or primarily) for court operations. Facilities containing multiple functions such as courtrooms, the local jail, law enforcement, probation, prosecutors, indigent defense, and treatment are all in one facility.

CO.1.2015.24

Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.5 in the Winter 2015 Survey

Federal System Respondents: **Likely** – Mean Likelihood: 2.4

General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.5

Limited Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.4

State Administrative Office Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.7

## **How Will We Treat the Mentally Ill in the Future?**

### **Governments Relocate Mentally Ill Defendants Out of Jails and Prisons**

As so many mentally ill defendants end up in jail or prison, governments finally enact rules and statutes to relocate the mentally ill to separate facilities away from general populations to focus on giving them needed treatment.

DM.1.2014.7

Demographics: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter–Spring 2014 Survey

Federal System Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.8

General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.6

Limited Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.7

State Administrative Office Respondents: **Unlikely** – Mean Likelihood: 3.0

### **By Default Incarceration is the Most Common Way of Dealing with the Mentally Ill**

Jails and prisons end up as the default location for the mentally ill

DM.1.2014.5

Demographics: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.8 in the Winter–Spring 2014 Survey

Federal System Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.6

General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.8

Limited Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.9

State Administrative Office Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.9

### **Devices Attached to Mentally Ill Defendants Monitor & Manage Chemical Imbalances**

Devices to check on a variety of medical conditions such as blood pressure, heart rate, and even brain activity are easily and inconspicuously worn or even implanted into the human body. Mentally ill defendants are monitored and managed in order to keep them stable.

DM.1.2015.12

Demographics: **Unlikely** – Mean Overall Likelihood: 3.1 in the Winter 2015 Survey

Federal System Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.9

General Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.1

Limited Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.0

State Administrative Office Respondents: **Unlikely** – Mean Likelihood: 3.1

### **How Will Juvenile Justice Look in the Future?**

#### **Education Becomes a Huge Component of the Juvenile Justice System**

Pressure on schools to demonstrate academic excellence continues to increase. To maintain rigorously high academic standards many schools adopt an aggressive policy of removing or expelling disruptive students. These students have no place to turn but the juvenile justice system for their education.

CO.12.2012.7

Court Organization: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Spring 2013 Survey

Federal System Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.5

General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.8

Limited Jurisdiction Court Respondents: **Likely** – Mean Likelihood: 2.3

State Administrative Office Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.7

### **What Will It Be Like to Serve as a Judicial Officer?**

#### **Judgeships Become a Career Stepping Stone**

Year after year state legislatures refusing to authorize raises for judges' salaries results in more judges leaving the bench for more lucrative jobs. A judgeship eventually becomes a mid-career stepping stone to other endeavors.

CS.12.2012.5

Court Staffing: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Spring 2013 Survey

Federal System Respondents: **Likely** – Mean Likelihood: 2.4

General Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.8

Limited Jurisdiction Court Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.7

State Administrative Office Respondents: **Maybe (50–50 Chance)** – Mean Likelihood: 2.5

#### **Judicial Decision-Making Becomes Highly Specialized**

Like medicine (e.g. doctors pursue specialization through post-medical degrees and internships) judges become specialized in narrow fields of law. Parties appearing before these specialized judges appreciate the enhanced expertise these jurists bring to cases; judges are no longer considered fungible between, for example, criminal, civil, and family court

CS.1.2015.10

Court Staffing: **Unlikely** – Mean Overall Likelihood: 3.1 in the Winter 2015 Survey

Federal System Respondents: **Improbable** – Mean Likelihood: 3.6

General Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.0

Limited Jurisdiction Court Respondents: **Unlikely** – Mean Likelihood: 3.0

State Administrative Office Respondents: **Unlikely** – Mean Likelihood: 3.1



### **Applications Aid in Judicial Decision-Making**

Judicial decision-tree technology advances to where judges enter a variety of factors into a judicial decision-making application that produces the most probable decisions based on thousands of court decisions nationally including applicable case law.

CF.1.2015.15

Court Functions: **Unlikely** – Mean Overall Likelihood: 3.3 in the Winter 2015 Survey

**Federal System Respondents: Improbable – Mean Likelihood: 3.6**

**General Jurisdiction Court Respondents: Unlikely – Mean Likelihood: 3.3**

**Limited Jurisdiction Court Respondents: Unlikely – Mean Likelihood: 3.3**

**State Administrative Office Respondents: Unlikely – Mean Likelihood: 3.3**

### **What Will Court Hearings Look Like in the Future?**

#### **Most Court Hearings are Conducted Remotely**

Video conferencing continues to increase until the majority of court hearings are held through remote conferences (often recorded); hearings with parties physically in the courtroom become the exception rather than the rule.

*This scenario was first surveyed in the Spring of 2013 and assessed as having a 50–50 Chance with a 2.7 average probability under the title “Most Court Hearings are Conducted by Audio–Video.”*

CT.12.2012.1

Court Technology: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Winter–Spring 2014 Survey

**Federal System Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

**General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.8**

**State Administrative Office Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.6**

#### **Community Centers Will Become “Remote Courthouses”**

As audio–video conferencing comes to dominate the court landscape, the poor will be a segment of the population unable to communicate electronically. These people will be able to go to their local library, police substation, or community center and attend their court hearings via monitors, microphones, and computers at that location.

CT.12.2012.2

Court Technology: **Maybe (50–50 Chance)** – Mean Overall Likelihood: 2.7 in the Spring 2013 Survey

**Federal System Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

**General Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.5**

**State Administrative Office Respondents: Unlikely – Mean Likelihood: 3.0**

#### **A Significant Number of Courthouses Across the Country Go “Virtual”**

As audio–video teleconferencing grows and local community centers serve as remote courthouses, many courthouses simply disappear. Many judicial officers have no actual courtroom, but conduct all their hearings from their offices.

CT.1.2013.6

Court Technology: **Unlikely** – Mean Overall Likelihood: 3.1 in the Spring 2013 Survey

**Federal System Respondents: Unlikely – Mean Likelihood: 3.3**

**General Jurisdiction Court Respondents: Unlikely – Mean Likelihood: 3.2**

**Limited Jurisdiction Court Respondents: Maybe (50–50 Chance) – Mean Likelihood: 2.7**

**State Administrative Office Respondents: Unlikely – Mean Likelihood: 3.2**



### ***Courts Effectively Determine How to Deal with Video Evidence***

The number of cases that involve a video recording grows and courts have to manage long term storage, retrieval, as well as standardized authentication and accuracy of submitted video evidence. Courts will devise ways to determine if a video is authentic, shows what it depicts to show, and was not doctored. Courts also solve how to store video evidence and verify its authenticity after long periods of time.

CT.1.2016.34

*Court Technology: **Likely** – Mean Overall Likelihood: 2.1 in the Winter 2016 Survey*

***Federal System Respondents: Highly Likely – Mean Likelihood: 1.9***

***General Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.0***

***Limited Jurisdiction Court Respondents: Likely – Mean Likelihood: 2.1***

***State Administrative Office Respondents: Likely – Mean Likelihood: 2.0***